

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA**

**DOCKET NO. 2009-332-C**

IN RE: Application of Tennessee Telephone	)	MOTION TO DISMISS
Service, LLC d/b/a Freedom	)	APPLICATION OR HOLD
Communications USA, LLC for	)	PROCEEDING IN ABEYANCE
Designation as an Eligible	)	
<u>Telecommunications Carrier</u>	)	

Pursuant to 26 S.C. Code Ann. Regs. 103-829 (Supp. 2008) and the South Carolina Rules of Civil Procedure, the Office of Regulatory Staff (“ORS”) respectfully submits this Motion to Dismiss the Application of Tennessee Telephone Service LLC d/b/a Freedom Communications USA, LLC (“Freedom” or the “Company”) for Eligible Telecommunications Carrier (“ETC”) status without prejudice. In support of said Motion, ORS would show the following:

1. **The Company has failed to respond to ORS’s requests for information which were sent on or about November 25, 2009.** Tennessee Telephone Services, LLC d/b/a Freedom Communications USA, LLC has had approximately two (2) months to respond to ORS’s requests for information. The company has not requested additional time or clarification of the questions. ORS’s testimony in this docket is due January 28, 2010.
2. **The Company’s underlying provider, AT&T, has filed a complaint against Freedom allegedly for failure to pay outstanding amounts due under the interconnection agreement.**

In Docket No. 2010-16-C, *Complaint and Petition for Relief of BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC*, AT&T alleges that Freedom owes approximately \$900,000 region wide and \$83,000 for services rendered to Freedom for the state of South Carolina alone. AT&T acknowledges that Freedom has disputed

these charges; however, in light of the non-responsiveness of the Company and considering this pending complaint, ORS requests that the Company's application be dismissed without prejudice or in the alternative that the hearing date and associated pre-filed testimony deadlines be suspended and held in abeyance until the Company responds to ORS's requests for information.

WHEREFORE, ORS requests the following relief:

1. That the Commission grant ORS's Motion to Dismiss without prejudice;
2. Or, alternatively that the Commission suspend the hearing date and any pre-filed testimony deadlines; and
3. That the Commission order any other appropriate action the Commission may deem necessary.

OFFICE OF REGULATORY STAFF

By: Nanette Edwards

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Columbia, South Carolina  
January 21, 2010

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009-332-C**

IN RE:

Application of Tennessee Telephone Service,	)	
LLC d/b/a Freedom Communications USA,	)	<b>CERTIFICATE OF</b>
LLC for Designation as an Eligible	)	<b>SERVICE</b>
Telecommunications Carrier	)	

This is to certify that I, Pamela J. McMullan, have this date served one (1) copy of the **MOTION TO DISMISS APPLICATION OR HOLD PROCEEDING IN ABEYANCE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Scott Elliott, Esquire  
Elliott & Elliott, P.A.  
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Lance J.M. Steinhart, Esquire  
Lance J.M. Steinhart, P.C.  
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Pamela J. McMullan

January 21, 2010  
Columbia, South Carolina